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SECRETARIAT
OF
THE ORISSA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 2nd June 2007

No. 8215/LA.—The following Bill which has been introduced in the Orissa Legislative Assembly on the 2nd June, 2007 is herewith published under Rule-68 of the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly for general information.

THE ORISSA MUNICIPAL (AMENDMENT) BILL, 2007

A

BILL

FURTHER TO AMEND THE ORISSA MUNICIPAL ACT, 1950.

BE it enacted by the Legislature of the State of Orissa in the Fifty-eighth Year of the Republic of India as follows :—

- Short title. 1. This Act may be called the Orissa Municipal (Amendment) Act, 2007.
- Amendment of section 11-B. 2. In the Orissa Municipal Act, 1950 (hereinafter referred to as the principal Act), in section 11-B,—
- Orissa Act 23 of 1950.
- (i) for the marginal heading, the following marginal heading shall be substituted, namely :—
- "Election Officer, Presiding Officer, Polling Officer, etc. deemed to be on deputation to Election Commission."; and
- (ii) after the words and comma "Election Officer," and before the words "Polling Officer" the words and comma "Presiding Officer," shall be inserted.
- Amendment of section 33. 3. In the principal Act, in section 33, for the words "Every Polling Officer", the words and comma "Every Presiding Officer, Polling Officer" shall be substituted.

Amendment
of section 34.

4. In the principal Act, in section 34,—

- (i) for the marginal heading, the following marginal heading shall be substituted, namely :—

"Offences by Presiding Officer and Polling Officer."; and

- (ii) for the words "Every Polling Officer", the words "Every Presiding Officer or Polling Officer" shall be substituted.

Amendment
of section 55.

5. In the principal Act, for section 55 including its marginal heading, the following section shall be substituted, namely :—

"Officiation
in case of
vacancy in
the office of
Chairperson
and Vice-
Chairperson.

55. (1) When the office of the Chairperson is vacant or the Chairperson has been temporarily absent including absence on leave availed under section 51 or is incapacitated and also there is a vacancy in the office of the Vice-Chairperson or the Vice-Chairperson has been temporarily absent including absence on leave availed under section 51 or is incapacitated, the powers and functions of the Chairperson shall devolve on a councilor of the Municipality from out of a panel of three such councilors in order of priority nominated by the Chairperson in that behalf who shall be the officiating Chairperson and shall exercise the powers and perform the functions of the Chairperson, subject to such restrictions and conditions as may be prescribed, until the Chairperson or Vice-Chairperson assumes office on being duly elected or as the case may be, takes charge of his office.

(2) The Chairperson shall nominate the panel as referred to in sub-section (1) within a period of one month from the date of the first meeting of the Municipality, failing which the Municipality shall nominate the panel in its first meeting held after the expiry of the aforesaid period of one month.

(3) Where the Chairperson of a Municipality existing immediately before the commencement of the Orissa Municipal (Amendment) Act, 2007 has not nominated the panel, he shall nominate it within a period of one month from the date of commencement of the said amendment Act, failing which the Municipality shall nominate the panel in its first meeting held after the expiry of the aforesaid period of one month."

STATEMENT OF OBJECTS AND REASONS

1. The proposed amendments to the Orissa Municipal Act, 1950 has arisen upon the recommendations of the State Election Commission with a view to removing the handicaps in the election process to the Municipalities under the existing provisions of the Act.

2. Therefore, it is considered expedient to make amendments in the Municipal Act by incorporating the expression "Presiding Officer" in sections 11-B, 33 and 34 of the Act to bring clarity to the provisions by placing the said officer at a superior place to the Polling Officer.

3. Further, under the existing provisions of the Act, in case of vacancy in the office of the Chairperson or Vice-Chairperson, the State Government is empowered to fill up the vacancy by an eligible person who shall hold the office during the period of vacancy.

4. With a view to minimizing the interference of the State Government in managing the affairs of the Urban Local Bodies it is proposed to amend section 55 of the Act to entrust the elected representatives of the Urban Local Bodies with the duties to manage their own affair during the period of absence of the Chairperson and Vice-Chairperson.

5. After the proposed amendments are effected the powers and functions of the Chairperson and Vice-Chairperson shall devolve on a member of the Council nominated by the Chairperson, who shall be the officiating Chairperson. The State Government will not appoint any person to hold the office of the Chairperson in such cases.

The Bill seeks to achieve the above objectives.

K. V. SINGH DEO

Member-in-Charge

K. C. BARIK

Secretary

Orissa Legislative Assembly